HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 20135 OF 2002

BETWEEN

Yerrabarla Lalitha Kumari

.....**Petitioner**

And

Union of India,
Rep. by its Deputy Secretary,
Ministry of Home Affairs,
Freedom Fighters Division,
New Delhi & others.

.....**Respondents**

:: O R D E R::

Counsel for the Petitioner : Shri M. Rajamalla Reddy

Counsel for Respondent Nos.1 & 3: Shri I. Koti Reddy, Central Government Standing Counsel

Counsel for Respondent No.2 : Government Pleader for Revenue

Dated: 12.09.2006

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to pay her pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

At the hearing, learned Government Pleader for Revenue invited the Court's attention to G.O.Rt.No.1680 dated 02.08.2006 vide which the State Government constituted a committee of three officers to scrutinize the cases of claim of pension under the 1980 Scheme and submitted that the petitioner's case can also be considered by the committee.

Learned Central Government Standing Counsel says that if the competent authority of the Government of India receives recommendations from the Government of Andhra Pradesh, then the same will be processed and appropriate decision will be taken within a period of two months.

In view of the statements made by learned Government Pleader for Revenue and learned Central Government Standing Counsel, the writ petition is disposed of in the following terms:

(1) Learned counsel for the petitioner should immediately send a copy of the writ petition along

with the relevant documents to the Chairman of the committee constituted by the State Government vide G.O.Rt.No.1680 dated 02.08.2006.

(2) Within next two months, the committee shall scrutinize the application of the petitioner together with the documents and determine whether she is entitled to be treated as a freedom fighter, who had participated in Hyderabad Liberation Movement. If the committee comes to the conclusion that the petitioner's claim is untenable, then the same be communicated to her at the end of two months period.

(3) If the committee is convinced that the petitioner is a freedom fighter, then it shall submit recommendations to that effect to the Secretary to Government of Andhra Pradesh, Revenue Department (Freedom Fighters Division).

(4) The Revenue Secretary (Freedom Fighters Division), Government of Andhra Pradesh shall immediately forward the case of the petitioner together with the report of the committee to Deputy Secretary to Government of India, Ministry of Home Affairs (Freedom Fighters Division).

(5) Within two months of the receipt of communication from Revenue Secretary (Freedom Fighters

Division), Government of Andhra Pradesh, the competent authority in the Ministry of Home Affairs shall deal with and decide the petitioner's claim for grant of pension under the 1980 Scheme. The decision of the competent authority shall be communicated to the petitioner by registered post at the end of two months period.

(6) If the petitioner is found eligible and entitled to receive pension under the 1980 Scheme, then appropriate direction be given to the concerned authority to release the pension payable to her.

G.S.SINGHVI, CJ

ksld
12.09.2006

Note:
Court Officer is directed to give attested copies of this order to the counsel for the parties.

(By order)

svs
PS to HCJ